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SUBJECT: KAZAKHSTAN - SUPREME COURT CHIEF JUSTICE SEEKS FURTHER USG
COOPERATION ON JUDICIAL REFORM

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SUMMARY

¶1. (SBU) On June 18, Ambassador Ordway and USAID Regional Director Bill Frej attended the opening ceremony for a USAID-funded courtroom recording system in Astana. The Chief Justice of the Supreme Court of Kazakhstan, Kairat Mami, attended as well. After the ceremony and a brief demonstration, Mami met with the Ambassador and the USAID Regional Director. In the meeting, he asked for ideas on how to expand and continue the USG-Kazakhstan partnership in judicial reform. The USAID Regional Director proposed a framework based on the highly successful USAID Program for Economic Development (PED) which is co-financed by both governments. Mami was extremely interested in the idea and asked for a proposal as follow up to the meeting. End Summary.

BACKGROUND AND OPENING CEREMONY

¶2. (U) The opening ceremony in Astana was part of USAID's Kazakhstan Judicial Assistance Project (KJAP), which, in cooperation with the Supreme Court, is supporting the modernization of the judiciary. Based on a highly successful pilot program in Almaty in 2005, the KJAP is now working with its judicial partners to expand the use of court room video recording systems to every Kazakhstani oblast. The expansion will continue increasing the judiciary's transparency, accountability, and effectiveness; it also has the goal of creating a stronger and more independent judiciary as well as increasing citizen demand for a fair and transparent judicial system that responds to their needs.

¶3. (U) The KJAP ensures that a complete and accurate record of the trial exists, thus creating confidence among citizens that their trials were conducted properly and impartially. Seventy-three percent of citizens who participated in a recorded trial reported that they have more trust in courts that use the video recording equipment than those that do not. Ninety-three percent of all court staff using the equipment support its use in all courts in Kazakhstan. Increased confidence and satisfaction was also shown in the drop in appeal rates for recorded cases, as non-recorded cases were three times more likely to be appealed.

¶4. (U) Over the next year and a half, the KJAP and the Supreme Court's Administration Committee will install video recording systems into at least 27 courts, train court staff in their usage, and oversee their operation. These 27 courts will include 14 oblast courts, the city courts of Almaty and Astana, and several rayon courts. The systems will include voice-disguising features to protect the identity of witnesses. This expansion includes a considerable cost share from the Supreme Court and represents a nascent political will for judicial reform. USAID has been

developing this relationship for several years and the June 18 meeting should lead to more opportunities for partnership in areas of even more extensive judicial reform.

THE MEETING

15. (SBU) The meeting began with Chief Justice Mami thanking the Ambassador and the USAID Regional Director for their assistance helping Kazakhstan equip its courtrooms. He noted that he was extremely pleased with the project and that he would like to hear what the Ambassador and USAID Regional Director thought about future cooperation. He said he was prepared to listen to any and all ideas.

16. (SBU) The USAID Regional Director brought up the Program for Economic Development (PED). He noted that USAID's economic office and the Ministry of Economy and Budget planning have had excellent success with the model. He explained that the program was a four-year \$40 million bilateral agreement, designed to promote development and diversification of Kazakhstan's economy. He noted that in the PED, USG funding decreases over time, while the Kazakhstani government's funding increases. The USAID Regional Director said that this model could easily be applied in the judicial reform area, adding that USAID was looking at such a model in the health sector.

17. (SBU) In response, Chief Justice Mami expressed pride in the fact that Kazakhstan has been leading in judicial reform in Central Asia for many years. He noted that Kazakhstan has so far been the only country in the region to implement jury trials and set up modern court procedures. Mami expressed support for the USAID Regional Director's proposal. He said that he liked the idea of the PED program and that future cooperation should involve a PED-like format. He was excited that this could be a model for judicial

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reform and said that he would personally like to be involved with showing it off to other countries. He concluded by mentioning that Kazakhstan is moving forward on WTO accession, and that perhaps judicial training to help with WTO membership might be a starting point for future cooperation.

REASONS FOR FURTHER COOPERATION ON JUDICIAL REFORM

18. (SBU) From the Kazakhstani perspective, concrete steps beyond what they have begun with the KJAP will need to continue if they are truly interested in furthering their integration into the global legal community. As Kazakhstan continues to embrace the challenges of operating in compliance with the full range of international legal obligations, further reforms will be necessary. Kazakhstan will also face a number of mandatory improvements if its desired membership in the WTO is to occur. WTO membership requires a judiciary with predictable and transparent court proceedings for businesses.

19. (SBU) While the aforementioned reasons are important to the USG, cooperating with the Supreme Court also presents an opportunity to advance our public relations. In Central Asia, it is very rare that the USG has an opportunity to partner with a host government on a development project. It is even rarer that they partner together on something related to democracy and governance. In addition to providing assistance at a critical moment when Kazakhstan is asking, a positive and significant USG response for further cooperation could go a long way to further relations with Kazakhstan and the region.

COMMENT

110. (SBU) Both the Ambassador and the USAID Regional Director were extremely impressed and pleased with Chief Justice Mami and his desire for future partnership. While it remains to be seen how far and deep the reforms will go, this is the first indication from a high source that the Government of Kazakhstan is interested in

receiving USG assistance for help in reforming its judiciary. Post looks forward to continued engagement on this highly important issue. End Comment.

ORDWAY